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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,411	12/14/2001	Robert Allen Walls	33383-00006	1458

7590

09/25/2003

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EXAMINER

POLK, SHARON A

ART UNIT PAPER NUMBER

2836

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,411

Applicant(s)

WALLS ET AL.

Examiner

Sharon Polk

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed on March 19, 2002 has been considered by the examiner (see attached PTO-1449).

Claim Objections

2. Claims 1-14 are objected to because of the following informalities: Claim 1 has minor grammatical errors. Claim 1, line 6 insert "at least one" after said, and remove the comma after "and" in line 7. With regard to claim 6, said *same* should to be replaced with radio, or proper element. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 15, the word "means" is not preceded by any word(s) in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

The following art rejection with respect to claims 15-21 is given as best understood in light of the 35 USC § 112, 2nd paragraph rejection given above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2, 9, 11, 15, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin et al. (Shin), US 5,604,663.

With regard to **claims 1, 15, and 22**, Shin teaches an apparatus for supplying power to a load comprising:

a base platform (22) for holding said load, said platform including a front side (36) and a rear side (30);

an integral rear portion (94) extending upward from said rear side of said base platform (fig. 3);

at least one electrical connector (26) positioned on said rear portion, said connector adapted to fit a complementary connector (80) on said load; and

a power supply contained within said base platform in electrical contact with said connector for supplying power to said SINCGARS radio (6:4-9).

Shin does not expressly teach the claimed SINCGARS radio. However, both the claimed radio, and the computer as taught by Shin are *loads* requiring power. As such one of ordinary skill in the art would have been motivated at the time of the invention to modify Shin to include the claimed radio because the SINCGARS radio was designed to provide the primary means of communication and control for the various armed forces. Likewise, Shin expressly teaches a portable docking station for a computer, having user interactive features, with multimedia applications. Thus both the claimed invention and device taught by Shin provide a means for securing a portable device, and providing power to the same device.

With regard to **claim 2**, official notice is taken that docking stations have connectors to electrically connect the intended device. Further one skilled in the art can appreciate that connectors can be configured differently based upon the intended device. As such, it would have been obvious to one of ordinary skill in the art to include as many connectors as required for a particular device for the purpose of properly engaging the a docking station with the intended device.

With regard to **claim 9**, Shin teaches the base platform is a rectangular shape and the rear portion rises from the rear at a 90 degree angle (Fig. 2).

With regard to **claim 11**, Shin teaches at least one latch portion as claimed (3:50-56).

Claims 3-7, 10, 12 16, 17, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin in view of Choo, US 6,163,086.

With regard to **claims 3, 4, 10, 16, and 18**, Choo teaches that is well known in the art to have a power supply which converts 110/220 AC into 12 volt DC (1:51-59). As such one of ordinary skill in the art would have been motivated to further modify Shin, with the conventional power supply as taught by Choo for providing power to a portable system.

With regard to **claims 5, and 12**, Shin teaches the base platform is a rectangular shape and the rear portion rises from the rear at a 90 degree angle (Fig. 2).

With regard to **claim 6**, Shin teaches at least one latch portion as claimed (3:50-56).

With regard to **claims 7 and 19**, adding a switch to turn on the apparatus. Official notice is taken that it is well known that switches are used for activation. As such one of ordinary skill in the art at the time of the invention would have been motivated to modify Shin to include a switch to provide power only when necessary, for the purpose of conserving energy.

With regard to **claim 17**, Shin and Choo teach the claim apparatus but lack the teaching of two electrical connections for simultaneous powering of two loads. It would have been obvious to one of ordinary skill in the art at the time of the invention would have been motivated to further modify Shin to include two electrical connection means, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQQ 8.

Claims 8, 13, 14, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shin and Choo as applied to claims 1-7 above, and further in view of Thomsen, US 6,491,278.

With regard to **claims 8, 13, 20, and 21**, Shin and Choo teach the claimed apparatus, but lack the teaching of the friction runners. However that feature is taught or fairly suggested by Thomsen (2:19-29). One of ordinary skill in the art at the time of the invention would have been motivated to further modify Shin to include the claimed friction runners, for the purpose of preventing slippage (2:24-26).

With regard to **claim 14**, adding a switch to turn on the apparatus. Official notice is taken that it is well known that switches are used for activation. As such one of ordinary skill in the art at the time of the invention would have been motivated to modify Shin to include a switch to provide power only when necessary, for the purpose of conserving energy.

Pertinent Prior Art

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent Nos. 6,604,199, 6,453,378, 6,341,218, 6,309,230, 6,040,681, 5,687,061, 5,611,701 disclose aspects of the claimed invention.


Communication with the PTO

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Polk whose telephone number is 703-308-6257. The examiner can normally be reached on M-F 7-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 703-308-3119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

sp


BRIAN SIRCUS
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